

# The Supreme Court of Ohio

## **GUIDELINES FOR REIMBURSEMENT OF TRAVEL AND EDUCATION EXPENSES FOR OHIO APPELLATE JUDGES**

**1. Purpose.** The purpose of these guidelines is to set forth procedures governing the reimbursement by the Supreme Court of Ohio of travel and education expenses incurred by sitting appellate judges and judges assigned by the Chief Justice to duty in the Supreme Court and in the Courts of Appeals. These Guidelines have not been adopted as rules pursuant to Article IV, Section 5 of the Ohio Constitution.

**2. Definitions.** For purposes of these guidelines:

- a.** “Actual” as used in R.C. 141.10, 141.11, and 2501.15 shall mean “reasonable” as determined by the Supreme Court’s Director of Fiscal and Management Resources and Administrative Director.
- b.** “Holding court” as used in R.C. 141.10 shall mean a session of court, either in a courtroom setting where oral argument or other hearing is conducted, or in a conference setting where cases and administrative matters are formally reviewed by judges of the court. It does not include the reading or reviewing of briefs and other documents, preparing or reviewing opinions, decisions, or orders, informally meeting or conferring with other judges or staff of the court, or engaging in other court-related activities.
- c.** “Principal office” means the location that a sitting appellate judge selects to regularly conduct his or her court-related business, whether it is at the court’s primary business location or another location, such as the judge’s residence or a courthouse in a county other than the one designated as the principal seat of the Court of Appeals pursuant to R.C. 2501.181. A judge may not have more than one principal office.
- d.** “Sitting appellate judge” means any person who holds office by reason of election or gubernatorial appointment on a Court of Appeals of Ohio.
- e.** “Retired appellate judge” means any person who is voluntarily retired from judicial service and who has been temporarily assigned by the Chief Justice to sit on a Court of Appeals, pursuant to the Supreme Court Guidelines for Assignment of Judges.
- f.** “Sitting common pleas judge” means any person who holds office by reason of election or gubernatorial appointment on a Court of Common Pleas of Ohio.

**3. Authority for Reimbursement.** A judge shall be entitled to reimbursement from the Supreme Court for the following travel and education expenses:

- a. Sitting with Supreme Court.** Travel expenses for a sitting appellate judge when assigned to sit with the Supreme Court pursuant to R.C. 141.11.
- b. Assignment to another appellate district.** Travel expenses for a sitting appellate judge when serving by assignment in a district other than the district to which the appellate judge is elected or appointed, pursuant to R.C. 2501.14 and R.C. 2501.15.
- c. Holding court outside county of residence.** Travel expenses for a sitting appellate judge when holding court outside the appellate judge's county of residence, pursuant to R.C. 141.10, and as further modified in these guidelines.
- d. Court of Appeals Judges Association.** Travel expenses, annual dues, and registration fees for a sitting appellate judge to attend meetings of the Court of Appeals Judges Association, pursuant to R.C. 2501.03, including meetings of any committee of the association.
- e. Ohio Judicial Conference.** Travel expenses and the registration fee for a sitting appellate judge to attend the annual meeting of the Ohio Judicial Conference and the annual dues to that conference.
- f. Out of state judicial education seminars.** Travel expenses and registration fees for a sitting appellate judge to attend one out-of-state judicial education seminar, not to exceed \$1,250 per state fiscal year.
- g. Assignment to sit with Court of Appeals.** Travel expenses for a retired appellate judge and sitting Court of Common Pleas judge assigned by the Chief Justice to sit with a Court of Appeals pursuant to the Supreme Court's Guidelines for Assignment of Judges.

**4. Application of Guidelines.** These guidelines do not apply to the following:

- a.** Travel and education expenses for court personnel of the Courts of Appeals, including but not limited to, administrators, staff attorneys, judicial law clerks, secretaries and bailiffs.
- b.** Any per diem compensation that may be due to a sitting appellate judge assigned to the Supreme Court or another appellate district, or a retired appellate judge or sitting Court of Common Pleas judge assigned to active duty by the Chief Justice.
- c.** Registration for attendance at in-state judicial education seminars other than noted in Guideline 3(d) and 3(e).

- d. Attorney registration fees or bar association dues.

**5. Reimbursable Travel and Education Expenses.**

- a. **Transportation.** A judge shall be reimbursed for the following transportation expenses:

- i. **Common carrier.** A judge shall be reimbursed for expenses incurred for travel outside the state of Ohio by common carrier at the lowest rate in effect with a reputable carrier at the time the travel arrangements are made. Funds shall not be expended to pay for unused reservations on common carriers unless the Administrative Director determines that the failure to cancel or use the reservation was unavoidable. Unused airline tickets shall be returned to the Supreme Court.
- ii. **Privately owned motor vehicle.** A judge shall be reimbursed for expenses incurred for travel by privately owned motor vehicle at the standard business mileage rate designated by the Internal Revenue Service. Reimbursement shall be made only to one of two or more judges who are traveling in the same privately owned motor vehicle. Except as noted in Guideline 3(c), a judge shall not be reimbursed for mileage commuting between his or her residence and his or her principal office.
- iii. **Rented motor vehicle.** A judge shall be reimbursed at actual cost for expenses incurred for travel outside the state of Ohio by rented motor vehicle at actual cost if the judge demonstrates that car rental is more economical than any other mode of transportation or that the destination of the judge is not easily accessible by any other available mode of transportation.
- iv. **Shuttle and taxi services.** A judge shall be reimbursed at actual cost for expenses incurred for travel outside the state of Ohio by shuttle or taxi service.
- v. **Parking, tolls, and other transportation expenses.** A judge shall be reimbursed at actual cost for other transportation expenses incurred, including but not limited to parking and tolls.
- vi. **Exceptions.** If a judge chooses to travel outside the state of Ohio by privately owned or rented motor vehicle when travel by common carrier, shuttle, or taxi is more economical and reasonably available, the judge shall be reimbursed for travel by privately owned or rented motor vehicle at an amount that does not exceed the maximum reimbursement authorized by this guideline for travel by common carrier, shuttle, or taxi to and from the same destination.

**b. Meals.** A judge shall be reimbursed at actual cost for meal expenses incurred while traveling, not to exceed the maximum rates set forth below, provided that a judge shall not be reimbursed for meal expenses incurred in the judge's county of residence or in the county designated as the principal seat of the Court of Appeals pursuant to R.C. 2501.181, except as noted in Guideline 3(c). If a conference registration fee includes one or more meals, a judge shall not be reimbursed for those same meals. A judge shall be reimbursed for meal gratuities, not to exceed fifteen percent of the total reimbursable meal expense.

<u><b>Type of Travel</b></u>	<u><b>All Day</b></u>	<u><b>Partial Day</b></u>		
		<b>12:01 a.m. to 8:00 a.m.</b>	<b>8:01 a.m. to 4:00 p.m.</b>	<b>4:01 p.m. to midnight</b>
<b>IN STATE TRAVEL</b>	\$40.00	\$9.00	\$12.00	\$19.00
<b>OUT OF STATE TRAVEL</b>	\$60.00	\$12.00	\$18.00	\$30.00

**c. Lodging.** A judge shall be reimbursed at actual cost for single occupancy lodging in commercial establishments upon the following conditions:

**i.** The judge shall attempt to secure the lowest single occupancy rate at a convenient commercial establishment and shall specifically request the government rate, if available, and exemption from applicable taxes.

**ii.** The Supreme Court reserves the right, through its Director of Fiscal and Management Resources, to reject any unreasonable or excessive lodging rates.

**iii.** If the lodging expense is incurred by a sitting appellate judge, the lodging establishment must be more than forty-five miles from the judge's residence and the location of the judge's principal office.

**iv.** If the lodging expense is incurred by a retired appellate judge or sitting Court of Common Pleas judge, the lodging establishment must be more than forty-five miles from the judge's residence.

**d. Communication.** A judge shall be reimbursed for reasonable communication expenses, including but not limited to telephone charges, facsimile charges, and postage, related to court business and incurred while traveling on court business.

**e. Non-meal gratuities.** A judge shall be reimbursed for non-meal gratuities, including porter, housekeeping, and taxi, incurred while traveling overnight. Reimbursement shall be at actual cost, not to exceed five dollars per day.

**f. Registration fee and tuition.** A judge shall not be reimbursed for registration fees or tuition to attend judicial education seminars or courses, except as provided at Guideline 3(d), (e), and (f).

**g. Alcohol and entertainment.** A judge shall not be reimbursed for the cost of alcohol or entertainment expenses.

**6. Out-of-State Travel.**

**a. Approval to travel.** A sitting appellate judge who desires to travel outside the state of Ohio pursuant to Guideline 3(f) shall obtain prior written approval. The procedure to obtain approval is as follows:

**i.** The judge shall complete a Travel and Conference Approval Form (copy provided as Attachment A), and attach a copy of the agenda or letter of invitation relating to the conference, program or meeting that the judge will attend, and reasonable estimates of conference, program or reimbursable expenses that the judge expects to incur.

**ii.** The Director of Fiscal and Management Resources shall indicate the availability of funds to reimburse the judge for the travel and education expenses that will be incurred by signing the form.

**iii.** The Administrative Director shall indicate approval of the travel by signing the form.

**b. Dates of departure and return.** A judge who is traveling outside the state of Ohio pursuant to Guideline 3(f) may begin and end travel as follows:

**i.** On the day immediately preceding the beginning of the event that the judge is attending;

**ii.** On the day the event concludes, if the event concludes before noon;

**iii.** On the day immediately following the day the event concludes, if the event concludes at noon or later.

**c. Beginning and end of event.** For purposes of determining the time a judge is authorized to travel outside the state of Ohio, an event begins at the time of the first scheduled event as listed on the agenda or letter of invitation that attendees are invited or required to attend and concludes with the last scheduled event listed on the agenda or letter of invitation that attendees are invited or required to attend.

**d. Extended stay at Court expense.** A judge who is traveling outside the state of Ohio may be authorized to travel for one or more days in addition to those authorized by Guideline 6(a) if the judge can document that the extension of

travel will result in a net reduction in travel expenses that are reimbursable. A net reduction in travel expenses that are reimbursable may be established by demonstrating the availability of a lower airfare, taking into account additional lodging, meal, and other travel expenses that the judge may incur during the extension of his or her travel time.

**e. Extended stay at Judge's expense.** A judge who is traveling outside the state of Ohio may elect to extend the duration of travel at his or her expense and begin or end travel on days other than those days authorized in Guideline 6(a). The extended travel shall not result in any additional expense to the Court.

## **7. Appellate Judges Expense Report.**

**a. Reporting requirement.** A judge shall be reimbursed for travel and education expenses incurred in accordance with these guidelines, including annual dues and registration fees, upon submission of an Appellate Judges Expense Report (copy provided at Attachment B).

**b. Reporting deadline.** A judge shall submit a travel expense report no later than sixty days after the travel expense was incurred.

**c. Receipts.** A judge shall attach to the travel expense report *original*, *itemized* receipts for all transportation, meals, lodging, gratuities, miscellaneous expenses, and conference and seminar registration fees. Failure to provide any receipt shall be cause to disallow a request for reimbursement. Receipts are not required for non-meal gratuities for expenses of five dollars or less.

## **8. Advance Payment for Out-of State-Travel.**

**a. Requesting an advance.** A judge may apply for and receive advance payment of a portion of the estimated reimbursable travel expenses that will be incurred by the judge for out-of-state travel. To obtain a travel advance, the judge shall complete and submit to the Director of Fiscal and Management Resources a Travel and Conference Approval Form no later than three weeks in advance of the travel. The travel request shall include a reasonable estimate of the reimbursable travel expenses that will be incurred by the judge as a result of the out-of-state travel.

**b. Payment of the advance.** Upon receipt of a completed and approved travel request, the Director of Fiscal and Management Resources shall arrange for payment of a travel advance to the judge and provide the judge with a copy of the Travel and Conference Approval Form. The amount of the travel advance payable to a judge shall not exceed eighty percent of the estimated reimbursable travel expenses to be incurred by the judge.

**c. Submission of travel expense report.** After returning from out-of-state travel, the judge shall complete and submit to the Director of Fiscal and Management Resources an Appellate Judges Expense Report as required by

Guideline 7. Upon receipt of the travel expense report, the Director of Fiscal and Management Resources, or his or her designee, shall reconcile the report with the travel request and do one of the following:

- i. If the sum of the reimbursable travel expenses exceeds the amount of the travel advance, the judge shall be paid the balance reimbursable;
- ii. If the amount of the travel advance exceeds the sum of the reimbursable travel expenses, the judge shall be notified of the amount due to the Court.

**d. Repayment of excess advance.** A judge who is notified that he or she must repay a portion of the travel advance shall pay the balance within fifteen days of receiving notice. If the balance is not paid by the judge within fifteen days of receiving notice, the Director of Fiscal and Management Resources, upon advance notice to the judge, may deduct the amount owed from the judge's compensation.

**e. Denial of travel advances.** The Director of Fiscal and Management Resources shall deny a travel advance to a judge who has an amount due pursuant to Guideline 8(d). With the approval of the Administrative Director, the Director of Fiscal and Management Resources may deny a travel advance to a judge who previously has failed to submit timely travel expense reports or make timely repayments of excess travel advances as required by Guideline 8(d).

**9. Motor Vehicle Liability.** A judge is advised to check with his or her automobile insurance agent regarding the scope of any coverage afforded by the judge's personal automobile insurance policy for use of a personal or rented motor vehicle while traveling on court-related business.

**10. Waiver.** The Administrative Director may grant an exception to any provision of these guidelines upon prior written request. Exceptions may be granted if economically advantageous. The waiver shall describe the exception granted, list the judge for whom the exemption has been granted, and note the period covered by the exception. A copy of the waiver shall be attached to the Appellate Judges Expense Report.

**11. Effective Date.** These Guidelines are effective July 1, 2002.